

REMARKS

A petition for a three-month extension of time, and authorization to charge the fee is included herewith. A request for continued examination and an IDS is also filed herewith.

Claims 25-72 have been canceled without prejudice to refile them in divisional applications. Applicants respectfully request entry of the amendment is appropriate as they reduce the number of issues on appeal.

Examiner has rejected claims 55-61 and 63-72 under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. This rejection is moot, as these claims have been canceled.

Examiner has rejected claims 55-61 and 63-72 as unpatentable over JP55-38855 in view of Gibbins et al. (US6,605,751), Vanderlaan et al. (US 5,998,498), Laskey (US 3,929,741), Malecki et al. Tilley, Bennet and Young. This rejection is moot, as these claims have been canceled.

Examiner has further rejected claims 1, 4-11, 14-17, 19, 21-24, 55-61, 68-70, 73-75 on double patenting grounds over copending Applications 10/734,762. Examiner is correct that it is US 10/703,770 which has been abandoned. With respect to the rejection of the present claims based upon copending Applications 10/734,762, Applicants respectfully draw Examiner's attention to MPEP 804IB1 which states:

“If a ‘provisional’ nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer.”

This application is the earlier filed of the two applications, and copending USSN 10/734,762 is currently rejected on other grounds. Accordingly, Applicants respectfully request Examiner withdraw the provisional nonstatutory obviousness type double patenting rejection and allow this application without the filing of a terminal disclaimer.

Applicants respectfully submit that the foregoing amendment have traversed the outstanding rejections and the claims as amended, are in condition for allowance. Entry of the amendment and allowance of the claims is respectfully submitted.

If the Examiner is of a contrary view, the Examiner is requested to contact the undersigned attorney at (904) 443-3074.

Respectfully submitted,

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